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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. NO. 260/000089 OF 2014**  
**Cuttack, this the 26<sup>th</sup> day of February, 2014**

CORAM  
**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R.C. MISRA, MEMBER (A)**

Prasant Ku. Padhi,  
aged about 60 years,  
S/o. Late Raghunath Padhi,  
Retired L.D.C.,  
O/O.I.N.S. Chilka,  
Permanent resident of  
Vill.-Alaidiha, P.O.-Balugaon,  
P.S.-Banapur, Dist.-Khurdha,  
Odisha.

.....Applicant

Advocate(s)-M/s- N.R.Routray, S.K.Mohanty, T.K.Choudhury, Ms. J.Pradhan

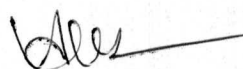
**VERSUS**

Union of India represented through

1. Secretary,  
Ministry of Defence,  
Lodhi Road,  
New Delhi.
2. Flag Officer,  
Commanding -in- Chief Head quarters,  
Eastern Naval Command,  
Naval Base,  
Vishakapatnam,  
Andhra Pradesh-530014.
3. Chief Staff Officer (P & A),  
Head quarters,  
Eastern Naval Command  
Naval Base,  
Vishakapatnam-530014.

..... Respondents

Advocate(s)..... Mr. P.R.J. Dash



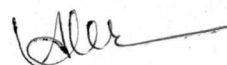
O R D E R (O R A L)

**A.K.PATNAIK, MEMBER (JUDL.):**

Copy of this O.A. has been served on Mr. P.R.J.Dash, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. P.R.J.Dash, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, and perused the materials placed on record.

2. The Applicant, who retired from the Respondents department while working as L.D.C., has filed this O.A. praying to quash the memorandum dated 12.10.2012, Inquiry report dated 26.11.2011 and order of punishment dtd. 10.07.2012 under Annexures- A/4, A/9 and A/11 respectively and further to direct the respondents to restore the applicant in his post and pay the consequential financial benefits. Mr. Routray, Ld. Counsel for the applicant, submitted that against the order of punishment of "Compulsory Retirement" as imposed under Annexure-A/11, the applicant has already made an appeal on 02.08.2012 to Respondent No.2 vide Annexure-A/12. Having received no reply, the applicant has again sent a reminder on 27.09.2012. It is the case of the applicant that when no heed was paid to his appeal as well as reminder, he has approached this Tribunal with the aforesaid relief.


3. On the other hand, Mr. P.R.J.Dash, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, submitted that at this stage he has no immediate instruction if any such appeal has been preferred by

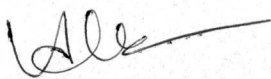


the applicant addressed to Respondent No. 2 and, if so, the status thereof.

4. Since it is the positive case of the applicant that the appeal preferred by him is still pending, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No. 2 to consider the appeal made under Annexure-A/12, if the same is still pending, and dispose of the same by way of a well reasoned order and communicate the result thereof to the applicant within a period of 30 days from the date of receipt of copy of this order. However, we make it clear that if in the meantime said appeal has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order. No costs.

5. Copy of this order be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Routray, Ld. Counsel for the applicant, undertakes to file the postal requisites by 04.03.2014.

  
(R.C.MISRA)  
MEMBER (Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)

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